



ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de première instance

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ..... ០៣ / ០៦ / ២០១៦ .....
ម៉ោង (Time/Heure) :..... ១៤ : ១០ .....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង . Case File Officer/L'agent chargé du dossier:..... <b>SANN RADA</b> .....

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

22 March 2016

Substantive Hearing on evidence – Day 387

Prepared by:

Ms. Sivhoang CHEA and Ms. Maddalena GHEZZI

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President); Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara; Judge Claudia FENZ.
<b>Reserve Judges:</b> Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve).
<b>Greffiers:</b> Ms. Sivhoang CHEA; Ms. Maddalena GHEZZI.
<b>OCP:</b> Mr. Vincent DE WILDE D'ESTMAEL; Mr. SENG Leang.
<b>Accused:</b> Mr. NUON Chea; Mr. KHIEU Samphan.
<b>Defence for the Accused Nuon Chea:</b> Mr. SON Arun; Mr. Victor KOPPE; Mr. LIV Sovanna.
<b>Defence for the Accused Khieu Samphan:</b> Mr. KONG Sam Onn; Ms. Anta GUISSÉ.
<b>Standby Counsel for the Accused Khieu Samphan:</b> Ms. TOUCH Voleak; Mr. Calvin SAUNDERS.
<b>Civil Parties:</b> Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. HONG Kimsuon; Mr. VEN Pov; Mrs. CHET Vanly; Mr. TY Srinna; Mr. LOR Chunthy.
<b>Witness:</b> 2-TCW-900.
<b>Others:</b> Mr. UCH Arun (Court Officer), Ms. SOUR Sotheavy (Associate Court Officer), Ms. SOK Sopheakmonica, Ms. SAM Makara, Mr. MEACH Sovanna, Mr. LONH Nget (Transcribers); Ms. Elena FAVARO VIANA (Trial Chamber Intern).

<u>General court times</u>		
Day	Start time: 9:03	Finish time: 16:02
Recess am	Start time: 10:15	Finish time: 10:33
Recess	Start time: 11:37	Finish time: 13:34
Recess pm	Start time: 14:46	Finish time: 15:08
	Total Court Time:	4 Hour 12 Minute

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing and report on attendance of the Parties	Trial Chamber, Greffier	9:03	9:04
NUON Chea Defence Requests to follow the proceedings from the holding	NUON Chea Defence	9:04	9:06
Hearing of Witness 2-TCW-900 via video link	Civil Party Lead Co-Lawyers	9:06	9:49
	NUON Chea Defence	9:49	15:09
	KHIEU Samphan Defence	15:09	15:57
Oral decision by Trial Chamber on use of statements in document E319/23.4.1	Co-Prosecutors	10:52	10:54
	NUON Chea Defence	10:54	11:00
	Co-Prosecutors	11:01	11:02
	NUON Chea Defence	11:02	11:05
	Trial Chamber	13:35	13:37

### Summary of Proceedings

#### Opening of hearing and report on attendance of the Parties

The President opened the proceedings and the Greffier informed the Trial Chamber that all Parties were present, with the Accused NUON Chea present in the holding cell.

#### NUON Chea Defence request to follow the proceedings from the holding cell

The Trial Chamber granted NUON Chea's request to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.

#### Hearing of Witness 2-TCW-900

The Civil Party Lead Co-Lawyers, NUON Chea Defence and KHIEU Samphan Defence questioned Witness 2-TCW-900 via video link.

#### Oral decision by Trial Chamber on use of statements in document E319/23.4.1

NUON Chea defence put questions to Witness 2-TCW-900 based on statements from document E319/23.4.1. The Co-Prosecutors raised concerns that part of the statements may have resulted from confessions and therefore raised the issue of torture tainted evidence. The Trial Chamber, upon review of the interview, noted that it could not at the stage determine with certainty whether Statement was rooted in the confessions from S-21. The Chamber therefore authorised the NUON Chea defence to continue putting questions to the Witness on this matter.

## Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7960		00851611-00851730; 00450266-00450329; 00763868-00763933	DC-Cam interviews in Mondul Kiri province	P	00851665-00851666	00450295	00763898-00763899
E3/887		00021448-00021448; 00185223-00185223; 00283096-00283096	Telegram through Koulam to Uncle 89 about Night in 22-01-1976 Yuon fought our patrol in front and behind in our camp	P	/	/	/
E3/5173		00189262-00189267; 00272658-00272662; 00272663-00272669	Written Record of Interview of YUOK Iem	P	00189266	00272661	00272667
E3/9459		00909657-00909664; 00922116-00922124; 00987520-00987528	Written Record of Interview of CHHAOM Sé	P	00909661	00922120	00987524-00987525
E3/5512	D232/51	00401321-00401330; 00403577-00403586; 00422262-00422271	Written Record of Interview of CHIN Kimthong ឯក ស៊ីង ថា ចាត់ ថ្ងៃ ០៣-១១-២០០៩	P	/	/	/
E3/406	D232/52	00401331-00401335; 00404075-00404079; 00422272-00422276	Written Record of Interview of CHIN Kimthong ឯក ស៊ីង ថា ចាត់ ថ្ងៃ ០៥-១១-២០០៩	P	00401333	00404077	00422274

## Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10569	E319/23.4.1	00931912- 00932127; 01079374- 01079677	Authority 1: Transcript of interview of An Sopeap and Chhaom Se	P	00932020; 00932017; 00932019; 00932021; 00932022; 00931998	01079525; 01079520; 01079524; 01079527; 01079526; 01079546;01079493	/
E3/221		00000810- 00000826; 00182693- 00182705; 00386175- 00386191	Observing the Vietnamese reaction in the 5 <sup>th</sup> meeting in 14/5/76	P	00000813	00182696	00386178
E3/1164		00052323- 00052329; 00516708- 00516713; 00532750- 00532756	DK-Military Report from Division 801, Political Section	P	00052327	00516711	00532754
E3/13		00052402- 00052416; 00183982- 00183994; 00334972- 00334984	Note of Secretary meeting, vice secretary and regiment about Situation to defense the country and the measure to defense the country	P	00052414	00940354	00334983
E3/11		00063116- 00063187; 00486212- 00486266; 00492795- 00492857	CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL)	P	00063146	00486325	00492822
E3/407		00401313- 00401320; 00406220- 00406227; 00422277- 00422285	Written Record of Interview of CHAOM Sé dated 08-11-2009	P	00401317	00406223-00406224	00422281
E3/405		00401297- 00401307; 00406209- 00406219; 00422247- 00422257	Written Record of Interview of CHHAOM Sé 31-10- 2009	P	00401301- 00401302	00406213-00406214	00422251- 00422252

E3/3984	00401308- 00401312; 00403573- 00403576; 00422258- 00422261	Written Record of Interview of CHHAOM Sé 02-10- 2009	P	00401310	00403575	00422260
---------	---	---	---	----------	----------	----------

**Oral Orders/Decisions:**

- Order authorizing the Accused NUON Chea to follow the proceedings from the holding cell and instructing the AV Unit to connect the AV link to the proceeding (9:06).
- Oral ruling allowing the use of document E319/23.4.1 (13:35).
- Order to take the Accused NUON Chea and KHIEU Samphan to the Detention Facility and bring them back to court for the Hearing on 23 March 2016 (16:02).


**Order for Adjournment of Hearing**

The hearing will resume on Wednesday 23 March 2016 at 9:00am.

Phnom Penh, 22 March 2016

Greffier

Greffier

    
Ms. Sivhoang C. Maddalena GHEZZI